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Date: July 18, 2006  
Attorney Docket No.1010/102US4

**TELECOPIER TRANSMISSION COVER SHEET**

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Phone Number Transmitting To: 571-273-8300

To: **United States Patent and Trademark Office**

Art Unit: 1655

Paper(s) Being Transmitted:

**Response to Restriction Requirement (2 pages)**

Number of Pages Being Transmitted (including cover): 3

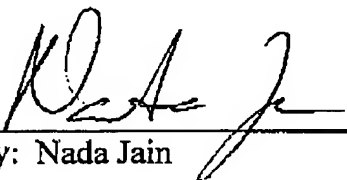
**COMMENTS:**

**CERTIFICATE OF FACSIMILE TRANSMISSION**

**Serial No.: 10/790,289**

**Filed: March 01, 2004**

I hereby certify that these papers are being facsimile transferred to the United States Patent and Trademark Office on the date shown below.

  
By: Nada Jain

Date: July 18, 2006

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JUL 18 2006

Docket No. 1010/102US4

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kati Chevaux et al

Filed: March 1, 2004

Group Art Unit: 1655

Serial No: 10/790,289

Examiner: R. O. Winston

For: PRODUCTS CONTAINING POLYPHENOL(S) AND L-ARGININE  
AND METHODS OF USE THEREOF**RESPONSE TO RESTRICTION REQUIREMENT**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction and Election of Species Requirement mailed June 30, 2006, applicant hereby elects *with traverse*: (i) Invention Group I, claims 31-74, drawn to a non-chocolate food product containing cocoa polyphenol, or a polyphenol of the formula  $A_n$  where  $n$  is 1 or 2-18, and L-arginine; and (ii) species cocoa polyphenol monomer (claims 31, 33, 35-40, 42, 44-46, 50, 52-59, and 67-74) or polyphenols of the formula  $A_n$  where  $n$  is 1 (claims 32, 34, 41, 43, 47-49, 51, 60-66, 75-78).

Applicants traverse the restriction and election of species requirement on the ground that there is no undue burden to examine both invention groups/species. It is respectfully submitted that no additional burden would be imposed on the Examiner if the product claims of Invention Group I and the method of treatment or prevention claims of Invention Group II were examined together in the present patent application, because the search with respect to one inventive group/species is likely to uncover art relevant to the other group/species.

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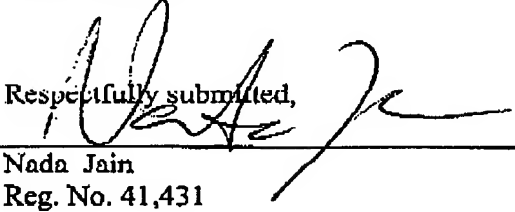
Response to Restriction Requirement  
US Appl. Ser. No. 10/790,289  
Filed: March 1, 2004

In view of the above remarks, reconsideration and withdrawal of the restriction requirement is respectfully requested.

No petition or fee is believed due with this response. However, if such is deemed required, Applicants hereby petition for the extension of time and authorize the Commissioner to charge the fee to Deposit Account No. 50-2549.

Date: July 18, 2006

Respectfully submitted,

  
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